

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

23-CV-

-v-

\$51,231.00 UNITED STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by its attorneys, Trini E. Ross, United States Attorney for the Western District of New York and Mary Clare Kane, Assistant United States Attorney, of counsel, for its Verified Complaint herein alleges as follows:

CAUSE OF ACTION

1. This is an action *in rem* pursuant to Title 21, United States Code, Section 881(a)(6) for the forfeiture of \$51,231.00 United States currency (hereinafter “defendant currency”), which was seized from 126 Baycliff Drive, Rochester, New York on or about November 1, 2022.

2. This Court has subject matter jurisdiction of this action pursuant to Title 28, United States Code, Sections 1345 and 1355(a), and *in rem* jurisdiction pursuant to Title 28, United States Code, Sections 1355(b) and 1355(d). Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395.

3. The defendant currency is currently in the custody of the United States

Marshals Service for the Western District of New York.

RELEVANT ORGANIZATION

4. Since June of 2020, a joint law enforcement investigation has been conducted by members of the Rochester Police Department (hereinafter “RPD”), the Greater Rochester Area Narcotics Enforcement Team (hereinafter “GRANET”) and other law enforcement officers into the narcotics trafficking being conducted in the area of 12 Carl Street and 15 Carl Street in Rochester, NY (hereinafter law enforcement officers will be referred to as “LEO”). The investigation has revealed that large amounts of heroin/fentanyl, a Schedule I controlled substance, and cocaine, a Schedule II controlled substance (hereinafter referred to as “controlled substances”) packaged for street level sales have been distributed at 12 Carl Street and 15 Carl Street, Rochester, New York (hereinafter “12 Carl Street,” “15 Carl Street” and/or “12 and 15 Carl Street” where applicable) within the Western District of New York. During the investigation, numerous controlled purchases of controlled substances have been made by law enforcement through the use of a number of confidential informants (hereinafter “CI” or “CIs”) and the CI controlled substance purchases have occurred at 12 Carl Street, as well as an occasional purchase of fentanyl and/or cocaine at 15 Carl Street.

5. During the investigation, through the use of several CIs, citizen complaints, physical surveillance and other investigative techniques, LEOs learned that a male and a female operated the controlled substances distribution at 12 and 15 Carl Street. Law enforcement identified John Gayden and Michele Gayden (maiden name of Michele Brock) as the leaders of this Drug Trafficking Organization (“DTO”) (hereinafter “Gayden DTO” or

“DTO”) at 12 and 15 Carl Street. John and Michele Brock Gayden work in concert with each other and with others, known and unknown, to distribute controlled substances on Carl Street in Rochester, New York.

RELEVANT PARTIES

6. **John Gayden** aka Kiss aka Ki is approximately 39 year old and resides at 200 Seneca Manor Drive Street, Rochester, New York. As a result of a New York State search warrant executed at 200 Seneca Manor on November 1, 2022, John Gayden was charged by federal criminal complaint with Possession of a Firearm in Furtherance of Controlled substances Trafficking in violation of Title 18, United States Code, Section 924(c); Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g); and Possession with Intent to Distribute a Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(D). (Criminal Complaint, 22-mj-4139).

7. **Michele Brock Gayden** is an approximately 31 year old female who is married to **John Gayden**. Law enforcement surveillance of Michele Brock Gayden determined that she resided with a person identified as Marisol Suarez at 126 Baycliff Drive until approximately October 5, 2022. Thereafter, she began to stay intermittently with Marisol Suarez’ sister, Angelique Suarez, at 298 Ames Street, Rochester, NY or at nearby hotels. As of the date of this complaint, Michele Brock Gayden has not been charged with any violations of law.

8. **Jordan Williams** (hereinafter referred to as “Williams”) is approximately 34

years old and resides at 600 Child Street, Rochester, NY. He is a member of the Gayden DTO who assists John and Michele Brock Gayden with the daily controlled substances sales at 12 Carl Street, Rochester, NY. As a result of a New York State search warrant executed at 12 Carl Street on November 1, 2022, Williams was charged by federal criminal complaint with Possession with Intent to Distribute Cocaine and Fentanyl in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C). (Criminal Complaint, 23-mj-4022).

9. **Chandler Hill** a/k/a “Chant” (hereinafter referred to as “Hill”) is a member of the Gayden DTO, who resided at a last known address of 67 Berlin Street, Rochester, NY. He is a member of the Gayden DTO who assists John and Michele Brock Gayden with the daily controlled substances sales at 12 Carl Street, Rochester, NY.

10. **Niajah Hoskins** (hereinafter referred to as “Hoskins”) is a member of the Gayden DTO who assists John and Michele Brock Gayden with the daily controlled substances sales at 12 Carl Street, Rochester, NY.

11. **Marisol Suarez** is an approximately 33 year old female who resides at 126 Baycliff Drive, Rochester, NY. She is a member of Gayden DTO. She assists in the day-to-day controlled substances trafficking activities in the vicinity of 12 and 15 Carl Street. Law enforcement determined that Michele Brock Gayden resided with Marisol Suarez at 126 Baycliff Drive up until approximately October 5, 2022.

12. The claimant, **Michael Brock**, of 50 Saratoga, Rochester, NY has filed a claim in the administrative proceeding with the Alcohol Tobacco and Firearms (ATF) asserting an interest in the defendant currency. He is the brother of Michele Brock Gayden.

RELEVANT LOCATIONS

Carl Street (Numbers 12, 13 and 15) Rochester, NY

13. Open source information as well as the Monroe County Clerk's Office has revealed that Michele Brock (a/k/a Michele Brock Gayden) and Regina M. Land are the property owners of 12 Carl Street.

14. Open source information has revealed that Regina M. Land is the owner of 13 Carl Street and 15 Carl Street with the listed contact address of 1809 Laurel Green Way, Atlanta, GA. Open source information as well as the Monroe County Clerk's Office has revealed that Regina M. Land is the property owner of 15 Carl Street, Rochester, NY. Law enforcement has determined that Regina M. Land or Regina Land Gayden is John Gayden's mother.

200 Seneca Manor, Rochester, NY

15. During the investigation, law enforcement learned that John Gayden resided at 200 Seneca Manor Drive, Rochester, NY. It is located on the within the Seneca Manor Studios Apartment complex on Seneca Manor Drive, between Seneca Avenue and Hudson Avenues.

126 Baycliff Drive, Rochester, NY (location where defendant currency was seized)

16. During the investigation, law enforcement learned that Marisol Suarez, a member of the Gayden DTO, resides at 126 Baycliff Drive, Rochester, NY. Upon information and belief, she is a renter of the property. She resides there with two minor children. Through surveillance, LEOs determined that Michele Brock Gayden resided at 126 Baycliff Drive with Marisol Suarez until approximately October 5, 2022. Thereafter, Michele Brock Gayden began to alternate where she slept at night staying at 126 Baycliff Drive, 298 Ames Street, Rochester, NY or at hotels.

INVESTIGATION OF GAYDEN DTO

17. Between June of 2020 and November 1, 2022, an over two (2) year investigation of the Gayden DTO revealed that 12 Carl Street is the primary location for most of the street level or hand-to-hand sales of controlled substances. The Gayden DTO stores controlled substances at 15 Carl Street, commonly known as a “stash house”. LEO surveillance shows that during the daytime hours, John Gayden and/or Michele Brock Gayden travelled to Carl Street in order to collect proceeds from the sale of controlled substances and/or re-supply or “re-up” 15 Carl Street with controlled substances so that the controlled substances can be sold from 12 and/or 15 Carl Street by Williams, Hoskins, Hill and/or others. Law enforcement surveillance revealed that throughout the course of a typical day, Williams, Hoskins, Hill and/or others walked from 12 Carl Street over to 15 Carl Street to get controlled substances to sell for the day and/or to “re-up” the 12 Carl Street supply when it ran low. Williams, Hoskins, Hill and/or others engage in the hand-to-hand

controlled substance transactions often while monitored or watched by John and/or Michele Brock Gayden.

18. In 2022, law enforcement conducted surveillance over several months through the use of undercover physical surveillance as well as video surveillance of the Carl Street area from a nearby covert camera. This surveillance and the overall investigative activity revealed that John Gayden drove a number of vehicles over to Carl Street in order to make routine money pickups as well as to “re-up” the narcotics supply on Carl Street. John Gayden drove various cars, including but not limited to a Chevrolet Tahoe, a Porsche Cayenne, a Ford F 250, and a Range Rover. Michele Brock Gayden drove various cars, including but not limited to, a Ford Mustang, a Honda Accord and various rental cars. Two other females identified as Marisol Suarez and Angelique Suarez (who are sisters) rendered assistance to Michele Brock Gayden by lending her their personal vehicles to conduct the day-to-day oversight and operation of the Gayden DTO. The Suarez sisters also rented vehicles for Michele Brock Gayden.

19. Law enforcement surveillance of John Gayden and Michele Brock Gayden revealed that they would drive to Carl Street and sit in front of or near 15 Carl Street or in surrounding area for extended periods of time and watch as controlled substances customers drive up and/or walk up to 12 Carl Street to purchase controlled substances from the Gayden DTO. Michele Brock Gayden has been observed by law enforcement collecting money from the DTO’s sellers at or near 12 Carl Street and 15 Carl Street. Law enforcement surveillance has revealed that Hoskins, Williams, Hill and/or others generally operate in shifts that make up a day that runs from approximately 8:00 a.m. in the morning until approximately 9:00

p.m. at night (about 12-14 hour days). Through the use of various investigative techniques, such as CI buys, law enforcement has determined that the Gayden DTO packages the fentanyl in wax paper envelopes with single dose of fentanyl within each envelope. The cocaine is packaged in small plastic Ziploc baggies with single dose of cocaine in each baggie.

USE OF 15 CARL STREET AS A STASH HOUSE

20. On October 14, 2021, beginning at approximately 12:00 p.m., law enforcement was conducting surveillance of the narcotics activity occurring in the area of 12 Carl and 15 Carl Street. On that day, law enforcement observed a black 2000 Honda Accord bearing New York (“NY”) Registration HRY-6353, back into the driveway of 12 Carl Street. Law enforcement observed a male, later identified as Chandler Hill [a member of the Gayden DTO], get in and out of the vehicle multiple times in order to meet with numerous customers arriving at 12 Carl Street. Law enforcement recognized the activity as being consistent with street level narcotics trafficking.

21. Law enforcement ran the registration of the black 2000 Honda Accord bearing NY Registration HRY-6353 and determined that it was a stolen vehicle. Thereafter, law enforcement officers stopped Hill while he was driving the stolen vehicle, and he was taken into custody without incident. At same time, law enforcement officers searched the exterior of 12 Carl Street which, at the time, was a vacant house. While there, officers found approximately 779 wax paper envelopes of fentanyl and a Remington shotgun in the rear driveway area of 12 Carl Street. Hill was charged for the Criminal Possession of Stolen Property in the Fifth Degree in violation of N.Y.S. Penal Law § 165.40.

CONFIDENTIAL SOURCE BUYS FROM GAYDEN DTO

22. Beginning in June of 2020 to on or about November 1, 2022, law enforcement utilizing multiple CIs made more than 40 controlled purchases of narcotics from seller at 12 Carl Street and 15 Carl Street. Members of the RPD, GRANET and other law enforcement officers have worked with a number of CIs on a various occasions. The CIs used for the controlled purchases of controlled substances at 12 Carl Street have provided information in the past that has been corroborated and proven to be reliable and credible. The CIs' information has yielded the seizure of narcotics, firearms and other evidence that has led to arrests and convictions of numerous individuals. Seven of the forty (40) plus controlled substances buys are discussed below.

23. In the Summer and Fall of 2022 (specifically on or about: June 15, July 12, July 13, August 23, September 14, October 6, and October 18 of 2022), law enforcement officers (hereinafter "LEO") using CIs made controlled purchases of controlled substances from the Gayden DTO at or near 12 Carl Street. Typically, for each CI purchase, LEO met with the CI who was searched for contraband and typically found to have no contraband in his/her possession. For each buy, LEO had formulated a plan to purchase illegal narcotics at/from 12 Carl Street. The CI involved in the particular buy was given a predetermined amount of money in Official Agency Funds or "buy money". Typically, the respective CI was dropped off in the vicinity of Carl Street. The CI walked down Carl Street to 12 Carl Street and while on the property of 12 Carl Street purchase a quantity of a controlled substance from a seller for the Gayden DTO. Immediately thereafter, the CI would meet LEO at a pre-determined

location and give LEO a package of a quantity of wax envelope baggies each containing a powdery substance and Ziploc plastic baggies each containing a rock-like substance.

24. After each CI buy, the purchased substances were secured in an evidence bag and returned to the Rochester Public Safety Building (“RPSB”) for analysis. Upon return to the RPSB, a LEO field-tested the suspected heroin/fentanyl purchased by the CI and received a positive reading for the presence of fentanyl. A LEO also field-tested the suspected cocaine and received a positive reading for the presence of cocaine.

GPS TRACKERS ON VEHICLES OPERATED BY GAYDEN DTO

25. On July 27, 2022, a Monroe County Court Judge authorized a GPS tracking order/seizure warrant for a black 2015 Chevrolet Tahoe, New York Registration KTY-5268, bearing Vehicle Identification Number (“VIN”) 1GNSCKKC8FR294722 registered to Damien D. Beason¹ of 62 Kron Street, Rochester, NY. This vehicle was driven by primarily by John Gayden. The order was authorized for sixty (60) days beginning on July 27, 2022. On September 23, 2022, a GPS tracking order/seizure warrant for same 2015 Chevrolet Tahoe was authorized for continued GPS monitoring of the described vehicle.

26. On September 9, 2022, a Monroe County Court Judge authorized a GPS tracking/seizure warrant for a red 2013 Ford Mustang bearing New York Registration KGP-8008, bearing VIN 1ZVBP8AM9D5231487, registered to Michele D. Gayden of 12 Carl

¹Damien Beason is a known controlled substances dealer who would register and rent vehicles for Gayden.

Street, Rochester, NY. This vehicle was driven by primarily by Michele Brock Gayden.

27. On September 16, 2022, a Monroe County Court Judge authorized a GPS tracking order/seizure warrant for a gray 2011 Land Rover Range Rover bearing New York Registration KWH-2263 bearing VIN SALSK2D47BA290125 registered to Damien D. Beason of 62 Kron Street, Rochester, NY. This vehicle was also driven by John Gayden. The order was authorized for sixty (60) days beginning on September 16, 2022.

28. The GPS tracking devices were affixed to the aforementioned vehicles pursuant to the above-described court orders. The GPS tracking system enabled law enforcement to track the aforementioned vehicles in real time, and also historically, providing pinpoint accuracy to the whereabouts of the monitored vehicles. The GPS tracking was supplemented with physical surveillance and/or covert camera surveillance to verify the accuracy of the data received. The GPS data allowed for the development of information about activities of John and Michele Brock Gayden and other members of the Gayden DTO. Law enforcement was able to learn of their primary and secondary residences, the identification of their associates and their residences, the identification of potential “stash” houses, and the development of daily narcotics trafficking patterns and personal patterns of behavior.

Michele Brock Gayden and the 2013 Red Ford Mustang

29. A review of the daily data from the GPS tracking device that was placed upon the red 2013 Ford Mustang bearing NY Registration KGP-8008 determined that Michele Gayden exclusively operated the red 2013 Ford Mustang. The GPS tracking system

information revealed that the red 2013 Ford Mustang bearing NY Registration KGP-8008 frequented the locations of 12 Carl Street, 298 Ames Street, and 126 Baycliff Drive, all of Rochester, New York.

30. During daytime hours, the GPS tracking system indicated that the red 2013 Ford Mustang was in the area of 12 and 15 Carl Street for extended periods of time. Michele Brock Gayden was observed by LEO either sitting in the Mustang for long periods of time or going in and out of the yard of 12 Carl Street or 15 Carl Street. While Michele Brock Gayden was in the vicinity of 12 and 15 Carl Street, street level narcotics trafficking was typically ongoing.

John Gayden and the 2011 Land Rover and 2015 Chevrolet Tahoe

31. A review of the daily GPS data from the GPS tracking device that was placed upon the gray 2011 Land Rover Range Rover bearing NY Registration KWW-2263 and the black 2015 Chevrolet Tahoe bearing NY Registration KTY-5268, revealed that John Gayden was the primary operator of both vehicles and that he would alternate using each vehicle. The GPS data from both vehicles indicated that John Gayden's primary residence was 200 Seneca Manor Drive. Physical surveillance conducted by law enforcement officers observed him leaving 200 Seneca Manor Drive in the morning hours.

COVERT CAMERA FOOTAGE OF ACTIVITIES OF GAYDEN DTO

32. During the investigation, law enforcement installed a covert camera in the vicinity of 12 and 15 Carl Street and recorded the following activity.

Camera Footage from June 15, 2022

33. On June 15, 2022, the same day as a CI controlled substances buy at 12 Carl Street, LEO reviewed video footage that was taken by a covert camera in the vicinity of 12 and 15 Carl Street which revealed that at approximately 8:30 a.m., Hoskins [a member of Gayden DTO]² arrived in the vicinity of 15 Carl Street and parked directly in front of 12 Carl Street. Upon exiting the vehicle, Hoskins was observed carrying a bag in his left hand as he walked across into the yard of 12 Carl Street. A high level pedestrian and vehicular traffic to and from 12 Carl Street was observed on June 15, 2022. Such pedestrian foot and vehicular traffic is consistent with street level narcotics trafficking.

34. At approximately 9:00 a.m., a 2011 Ford F-150 Pickup truck bearing NY Registration KJT-1120, registered to Michele Gayden, arrived at 15 Carl Street and pulled into the driveway. John Gayden got out of the driver's side of the Ford F-150 and walked to 15 Carl Street and went inside. Approximately two minutes later, Hoskins walked from 12 Carl Street over to 15 Carl Street and went inside. At approximately 9:04 a.m., Hoskins left 15 Carl Street and walked back to 12 Carl Street holding something in his left hand. The Ford F-150 driven by John Gayden drove away from the area. Thereafter, Hoskins was observed conducting numerous hand-to-hand transactions with unknown pedestrians customers in the driveway of 12 Carl Street.

35. On the same date, at approximately 3:52 p.m., a black Nissan Rogue bearing Florida Registration NFS-W95, pulled up to the front of 12 Carl Street and parked in the

² See ¶¶6-8, above.

street. The Nissan Rogue is registered to Hertz Rental Cars. Information from Hertz Rental Cars indicated that on June 8, 2022, Michele Gayden of 12 Carl Street, Rochester, NY rented the Nissan in Rochester, NY. Michele Brock Gayden got out of the driver's side seat of the black Nissan Rogue and walked up the driveway of 12 Carl Street.

36. At 4:13 p.m., Hoskins left 12 Carl Street and walked back to the Nissan Rogue and got into the car. Michele Brock Gayden was observed counting a large sum of money while Hoskins was in the vehicle with her. After she counted the money, Michele Brock Gayden handed Hoskins a portion of the money and he got out of the Nissan Rogue. That same day, at approximately 4:12 p.m., Hill [a member of the Gayden DTO] arrived and was observed walking up the driveway of 12 Carl Street. Hoskins then left the area of Carl Street. Hill took over for the narcotics sales for that evening.

37. Michele Brock Gayden continued to sit in the Nissan Rogue in front of 12 Carl Street until approximately 5:00 p.m. at which time she left the area. At approximately 6:47 p.m., Michele Brock Gayden returned to Carl Street driving the black Nissan Rogue and pulled in front of 12 Carl Street. Hill walked from 12 Carl Street to the driver's side of the Nissan Rogue and appeared to engage in a conversation with Michele Brock Gayden. Hill then walked away from the Nissan Rogue and back to 12 Carl Street. Michele Brock Gayden drove further west on the street, parked the car and remained in Nissan Rogue. At approximately 7:20 p.m., Hill walked down the driveway of 12 Carl Street and up to the driver's side of the Nissan Rogue. Hill reached into his pocket and pulled out a stack of money and appeared to count it. Hill handed a portion of the money to Michele Brock Gayden, and she drove away. Hill walked back to 12 Carl Street where there was a steady

flow of pedestrian traffic into the driveway of 12 Carl Street. Such activity is consistent with street level narcotic trafficking.

Camera Footage from July 12, 2022

38. On July 12, 2022, the same day as a CI controlled substances buy, LEO reviewed the covert camera footage from that day. At approximately 7:52 a.m., Hoskins [a member of the Gayden DTO] arrived at 12 Carl Street. Upon exiting his vehicle, Hoskins walked across the street to the driveway of 15 Carl Street and was out of view of LEO. Hoskins was not carrying anything with him when he walked to 15 Carl Street. Several minutes later, Hoskins walked away from 15 Carl Street holding a bag in his left hand as he walked up to 12 Carl Street and unlocked the gate across the driveway. Hoskins then stood in the driveway of 12 Carl Street for several hours going back and forth from the backyard to the driveway to meet with dozens of suspected controlled substances customers who came to 12 Carl Street. Such activity is consistent with street level narcotic trafficking.

39. On the same date, at approximately 11:45 a.m., the black Nissan Rogue vehicle bearing Florida registration NFS-W95, registered to Hertz Rental Car, backed into the driveway of 15 Carl Street. Michele Brock Gayden got out of the Nissan Rogue and walked from 15 Carl Street to 12 Carl Street. At approximately 11:48 a.m., she walked away from 12 Carl Street and spoke to an unknown individual in a Honda when LEO observed John Gayden drive up in a black 2015 Chevrolet Tahoe bearing NY Registration KTY-5268. Michele Brock Gayden turned toward the Tahoe and handed an unknown object to John Gayden and conversed with him for a few minutes. Then, Hoskins walked from the rear of

12 Carl Street and approached John and Michele Brock Gayden. Hoskins handed something believed to be proceeds from the sale of controlled substances to John Gayden in the truck and then walked back to the rear of 12 Carl Street.

Camera Footage from July 13, 2022

40. On July 13, 2022, the same day as a CI controlled substances buy, LEO reviewed the covert camera footage from that day. LEO observed the constant flow of pedestrian traffic walking in and out of the yard at 12 Carl Street which continued for hours. LEO recognized the activity as being indicative of street level narcotics trafficking.

Camera Footage from July 24, 2022

41. On July 24, 2022, the same day as a CI controlled substances buy, LEO reviewed the covert camera footage from that day. At approximately 8:22 a.m., Hill [a member of the Gayden DTO] arrived at 12 Carl Street. During the course of the day, more than 30 pedestrians walked in and out of the driveway of 12 Carl Street. Such activity is indicative of street level narcotics trafficking. During the day, Hill made several trips across the street to 15 Carl Street in order to re-up his controlled substances supply. At approximately 5:43 p.m., a black Nissan Rogue bearing Florida registration NFS-W95 driven by Michele Brock Gayden pulled up and stopped in front of 12 Carl Street. At 5:46 p.m., Hill walked from 12 Carl Street up to the driver's window of the Nissan Rogue and was observed handing money through the window to Michele Brock Gayden.

Camera Footage from August 23, 2022

42. On August 23, 2022, the same day as a CI controlled substances buy, LEO reviewed the covert camera footage from the vicinity of 12 Carl Street and 15 Carl Street. The footage revealed that shortly after the CI bought controlled substances at 12 Carl Street, Williams [a member of the Gayden DTO] emerged from the yard holding a brownish pouch in his hand and walked over to 15 Carl Street. A few minutes later, Williams walked back to the yard of 12 Carl Street while still holding the brownish pouch in his hand. At approximately 3:39 p.m., after numerous people had walked in and out of the yard of 12 Carl Street which is activity indicative of street level controlled substances trafficking.

Camera Footage from September 14, 2022

43. On September 14, 2022, the same day as a CI controlled substances buy, LEO reviewed the covert camera footage from the vicinity of 12 Carl Street and 15 Carl Street. At approximately 12:45 p.m., the footage revealed numerous pedestrians and vehicular traffic to/from 12 Carl Street. Such activity is indicative of street level narcotics trafficking which continued during the course of the day. Williams [a member of the Gayden DTO] was observed from 12 Carl Street to 15 Carl Street multiple times during the day.

Camera Footage from October 6, 2022

44. On October 6, 2022, the same day as a CI controlled substances buy, LEO reviewed the covert camera footage from the vicinity of 12 Carl Street and 15 Carl Street. At approximately 7:58 a.m., Williams [a member of the Gayden DTO] arrived at 12 Carl Street.

Williams got out of his vehicle and walked up the driveway to 12 Carl Street. Williams unlocked the chain link fence/gate that spanned the width of the driveway of 12 Carl Street. After he unlocked the gate, Williams walked across the street to 15 Carl Street and went inside. A few minutes later, Williams left 15 Carl Street holding a brown pouch in his arm and walked back to 12 Carl Street. At approximately 8:03 a.m., an unknown male (UM) (white) walked to 12 Carl Street and met with Williams in the driveway where the UM exchanged currency with Williams for suspected narcotics. Williams took the pouch, opened the front passenger door of a vehicle and placed the pouch inside the vehicle.

45. According to the court authorized GPS tracking device that was installed on the gray 2011 Land Rover Range Rover bearing NY Registration KWW-2263, the 2011 Range Rover left 200 Seneca Manor Drive, the residence of John Gayden at approximately 8:00 a.m. and drove directly to 15 Carl Street. When the 2011 Range Rover pulled up to 15 Carl Street, Williams went up to the passenger side of the Range Rover and appeared to speak through the passenger side window to John Gayden. Williams then went to the rear of the Range Rover, opened the trunk and removed a large shopping bag which LEO believed contained pre-packaged controlled substances. Williams then took the shopping bag into 15 Carl Street, the stash house. A few minutes later, Williams returned to the yard of 12 Carl Street where he was observed making several hand-to-hand transactions with multiple unknown individuals. Williams utilized the brown pouch to obtain controlled substances throughout the day. This activity is indicative of street level narcotics trafficking.

46. On October 6, 2022, according to the court authorized GPS tracking device that was installed on a red 2013 Ford Mustang bearing NY Registration KGP-8008, the

vehicle left 126 Baycliff Drive, Rochester, NY at approximately 8:59 a.m., and drove directly to 15 Carl Street. At approximately 9:06 a.m., the Ford Mustang driven pulled into the driveway at 15 Carl Street. At which time, Williams walked to 15 Carl Street and went inside. A minute later, Williams left 15 Carl Street, locked the front door with a key and returned to 12 Carl Street. Immediately after Williams left 15 Carl Street, Michele Brock Gayden left 15 Carl Street and locked the front door with a key.

47. Later that same day, both Gaydens had returned to 15 Carl Street. Williams and an UM walked over from 12 Carl Street to meet with them. Moments later, Williams walked to the driver's side of a red Ford Mustang, pulled a bundle of money from his pocket and showed it to Michele Brock Gayden. Williams then put the money back in his pocket. Michele Brock Gayden left 15 Carl Street driving the red 2013 Ford Mustang. Williams walked back to 12 Carl Street where a constant flow of narcotics customers continued to walk up to him and engage in hand-to-hand transactions consistent with street level controlled substances activity.

At approximately 2:09 p.m., on October 6, 2022, a blue 2011 Honda Accord, NY bearing Registration KRW-1233, registered to Marisol Suarez of 126 Baycliff Drive, Rochester, NY arrived in vicinity of 12 Carl Street, parked directly in front of 12 Carl Street and remained for approximately 20 minutes after which time Michele Brock Gayden got out of the 2011 Honda and met with Williams in front of 12 Carl Street after which they walked over to 15 Carl Street. Williams walked to 12 Carl Street to meet with customers while Michele Brock Gayden waited nearby. At approximately 3:41 p.m., Williams left the yard of 12 Carl Street holding a brown pouch in his hand and walked over to 15 Carl Street.

Camera Footage from October 18, 2022

48. After the CI buy on October 18, 2022, LEO reviewed the covert camera video footage from October 18, 2022, at the area of 12 Carl and 15 Carl Street that was captured and observed the following activity. At approximately 8:10 a.m., Hill [a member of the Gayden DTO] got out of a taxi at 12 Carl street and walked directly to 15 Carl Street. Thereafter, Hill walked to 12 Carl Street unlocked the gate and walked into the yard. Hill was then observed in the yard of 12 Carl Street with different pedestrians who came to purchase controlled substances at 12 Carl Street. Such activity is consistent with street level narcotics trafficking. At approximately 9:49 a.m., a 2023 black Nissan Altima bearing Florida Registration 24D-GSC, registered to PV Holding Corp (Avis/Budget rental), 8600 Hangar Blvd., Orlando, Florida, pulled up on the wrong side of the street in front of 12 Carl Street directly next to Hill who appeared to talk to the occupants of the Nissan Altima. LEO learned that that the Nissan Altima was rented by Angelique Suarez of 298 Ames Street, Rochester, New York on October 17, 2022 and was scheduled to be returned on October 24, 2022. The occupants of the Nissan Altima then circled the block and parked directly in front of 12 Carl Street again at which time your affiant could identify Michele Brock Gayden as the front passenger. Hill leaned into the passenger side of the Nissan Altima to speak to the occupants. Hill walked away from the car periodically in order to meet narcotics customers as they approached 12 Carl Street, after which he walked back to the Nissan Altima. At approximately 12:57 p.m., Hoskins [a member of the Gayden DTO] arrived at 12 Carl Street and joined Hill in front of 12 Carl Street. For the remainder of the day, Hoskins and Hill met narcotics customers in the rear of 12 Carl Street as they approached.

Law Enforcement Surveillance of October 20, 2022

49. LEO conducted physical surveillance of certain locations on October 20, 2022. At approximately 7:15 a.m., surveillance agents at 126 Baycliff Drive observed a blue 2011 Honda Accord bearing NY Registration KCH-6884 parked in the driveway of the location and saw several lights on inside the house. At approximately 7:40 a.m., LEO conducted surveillance at 298 Ames Street and observed the black 2023 Nissan Altima, bearing Florida registration 24D-GSC, parked in the driveway. LEO maintained surveillance at the location until at approximately 9:05 a.m. at which time the lights on the Nissan Altima flashed and the engine appeared to start. Michele Brock Gayden exited 298 Ames Street, opened the passenger rear door of the Nissan Altima and appeared attend to something in the back seat. Michele Brock Gayden then went back into 298 Ames Street. At 9:17 a.m., the Nissan Altima backed out of 298 Ames Street and proceeded north on Ames Street directly past surveillance officers who observed Michele Brock Gayden driving the Nissan Altima and who was the sole occupant.

50. At approximately 12:10 p.m., LEO observed a black 2023 Nissan Altima driven by Michele Brock Gayden back into the driveway of 13 Carl Street (owned by Regina Land Gayden). At 12:25 p.m., the Nissan Altima pulled out of the driveway. The Nissan returned several minutes later, backed into the driveway of 13 Carl Street and stayed there for several hours facing 12 Carl Street and monitored the customer traffic at 12 Carl Street. At approximately 2:19 p.m., John Gayden, driving a 2011 Range Rover, NY registration KKY-2263, pulled up in the street in front of 12 Carl Street at which time an unknown seller at 12 Carl Street walked up to the driver's side of the window and then walked over to the Nissan's

driver's window, handing something believed to be proceeds from the sale of controlled substances to Michele Brock Gayden. John Gayden got out of the Range Rover and walked over the Nissan to speak with Michele Brock Gayden. As he was talking her, he was constantly looking up and down the street monitoring the area. John Gayden then drove away from the location. The Nissan Altima immediately pulled out of the driveway and parked in front of 12 Carl Street. Michele Brock Gayden exited the vehicle and spoke with Williams [a member of the Gayden DTO] in the driveway of the location. She then walked over to 15 Carl Street.

51. At approximately 2:53 p.m., John Gayden's Range Rover bearing NY registration KWH-2263 pulled into 15 Carl Street followed by a Dodge Durango that backed into the driveway after the Range Rover. At approximately 2:56 p.m., John Gayden stopped and spoke to Williams [a member of the Gayden DTO] before pulling away in the Range Rover. At approximately 3:29 p.m., the blue 2011 Honda Accord pulled up in front of 12 Carl Street and after a few minutes, Marisol Suarez was observed exiting the driver's seat and walking to 15 Carl Street. At approximately 3:30 p.m., Williams was observed to be counting money in the driveway of 12 Carl Street and then walking over to 15 Carl Street. A couple minutes later, Williams left 15 Carl Street.

52. Several narcotics customers approached 12 Carl Street and were directed to a Mercury Marquis wherein hand-to-hand controlled substances transactions appeared to take place. At 3:38 p.m., Hoskins [a member of the Gayden DTO] was observed exiting the driver's seat of a Mercury Marquis and walking to 15 Carl Street. A few minutes later, Hoskins left 15 Carl Street with a brownish/tan pouch in his hand as he walked into the yard

of 12 Carl Street. From then on, Hoskins and an UM appeared to sell narcotics at 12 Carl Street with the supply of narcotics being supplied from 15 Carl Street. Such activity is consistent with street level narcotics trafficking.

Physical Surveillance from October 21, 2022

53. On October 21, 2022, at approximately 7:30 a.m., physical surveillance was conducted at 126 Baycliff Drive, and observed a blue 2011 Honda Accord, NY Registration KCH-6884, registered to Marisol Suarez, parked in the driveway of 126 Baycliff Drive. At approximately 7:45 a.m., officers observed the rented black 2023 Nissan Altima bearing Florida Registration 24D-GSC, parked in the driveway of 298 Ames Street and parked behind a 2014 Mazda 6, NY registration KNY-8119, registered to Angelique Suarez of 298 Ames Street Rochester, New York.

Camera Footage from October 21, 2022

54. LEO reviewed the camera footage from the area of 12 and 15 Carl Street that was captured on October 21, 2022. At approximately 8:01 a.m., a vehicle pulled in front of 12 Carl Street and Williams [a member of the Gayden DTO] exited the driver's seat and walked over to 12 Carl Street. After unlocking the gate, Williams then walked across the street to 15 Carl Street then returned to 12 Carl Street just as narcotics customers were walking up to that location. The flow of pedestrian controlled substances customers occurred throughout the day which is indicative of narcotics trafficking. At approximately 8:43 a.m., a blue 2011 Honda Accord, NY bearing Registration KCH-6884, registered to Marisol Suarez, 126 Baycliff Drive, Rochester, N.Y. pulled up in front of 12 Carl Street. At approximately 9:24

a.m., a 2023 Nissan Altima, bearing Florida Registration 24D-GSC, driven by Michele Brock Gayden pulled up alongside the 2011 Honda Accord. Marisol Suarez got out of the 2011 Honda Accord and entered the front passenger side of the Nissan Altima which drove away. At approximately 9:55 a.m., the Nissan Altima returned to the area and backed into the driveway of 13 Carl Street. At approximately 11:04 a.m., Marisol Suarez got out of the passenger front seat of the Nissan Altima returned to the parked 2011 Honda Accord and drove away.

55. At 11:13 a.m., Williams was observed counting money in the front yard of 12 Carl Street after which he walked across the street to 13 Carl Street and handed Michele Brock Gayden the money through the driver's window of the Nissan Altima. Then, Williams walked back to 12 Carl Street and continued to sell narcotics to people who approached him. The Nissan Altima pulled out of 13 Carl Street and backed into the driveway at 15 Carl Street. At about 12:33 p.m., the Nissan Altima and the 2011 Honda Accord pulled in front of 13 Carl Street. Michele Brock Gayden was observed getting into the passenger front seat of the 2011 Honda Accord. The 2011 Honda Accord drove away.

Summary

56. Based upon the observations of law enforcement during the more than two year investigation, John Gayden and Michele Brock Gayden maintained control over the controlled substance sales and proceeds from the sale of controlled substances at 12 Carl Street and 15 Carl Street by maintaining an almost daily presence at the locations. John Gayden and Michele Brock Gayden would regularly "re-up" the stash house at 15 Carl Street with

controlled substances. Michele Brock Gayden collected proceeds from the sales of controlled substances from the sellers (Williams, Hoskins, and Hill). Further, John Gayden's mother owns 13 Carl Street which provided yet another location from where the Gaydens could monitor the controlled substances activity at 12 Carl Street. John and Michele Brock Gayden used multiple vehicles during their operation for the Gayden DTO.

LACK OF EMPLOYMENT OF MICHELE AND JOHN GAYDEN

57. Law enforcement determined that John Gayden and Michael Brock Gayden did not have gainful employment between June of 2020 and November 1, 2022.

SEARCH WARRANTS EXECUTED AT MULTIPLE LOCATIONS

Evidence Seized at 12 Carl Street and 15 Carl Street

58. On November 1, 2022, members of the RPD, GRANET, working in tandem with the MCSO's SWAT team, executed search warrants at 12 Carl Street and 15 Carl Street. Early in the morning, and prior to the execution of search warrants at 12 Carl Street and 15 Carl Street, LEO conducting surveillance observed Williams leave from 15 Carl Street and cross the street to 12 Carl Street with a brown pouch in his possession. Williams was then observed leaving the area of 12 Carl Street and getting into his vehicle which was parked nearby, outside of 15 Carl Street. He no longer appeared to have the brown pouch in his possession when he was seen entering his vehicle. Williams was taken into custody by

MCSO deputies prior to SWAT making entry into 12 Carl Street and 15 Carl Street. The defendant was in his vehicle, which was parked outside of 15 Carl Street at the time of his arrest.

59. LEOs conducted a search of 12 Carl Street. While doing so, LEO recovered a brown pouch from outside of the house near the side porch. The brown pouch was similar in style to the pouch observed, moments earlier, in the possession of Williams. The pouch was located on the east side of the house near an exterior post in the area where Williams had been observed that morning. Upon opening the pouch approximately 198 small wax envelopes of what appeared to be fentanyl were recovered, totaling approximately 11.9 grams. Approximately 139 plastic baggies of what appeared to be cocaine were also recovered from the brown pouch, totaling 13.9 grams. Both the suspected fentanyl and cocaine were later field tested, returning positive results for the presence of fentanyl and cocaine, respectively. Based on training and experience, the manner in which these narcotics were packaged, and the large number of individual envelopes and baggies, the narcotics were packaged for the purpose of street level distribution. No other contraband was recovered from 12 Carl Street, and no other person was encountered within 12 Carl Street.

60. Subsequent laboratory analysis by the Monroe County Crime Laboratory indicated that the substance contained in the 195 glassine bags was confirmed to be fentanyl and ANPP (4-anilino-N-phenethyl-4-piperidine). Subsequent laboratory analysis by the Monroe County Crime Laboratory indicated that the substance contained in the 139 plastic bags was confirmed to be cocaine.

61. LEO also executed a search warrant at 15 Carl Street. No individuals were encountered within the location. LEO observed that Michele Brock Gayden's red 2013 Ford Mustang was located outside of 15 Carl Street. LEO recovered, in total, approximately 700.45 grams of cocaine, 8.04 ounces of fentanyl, and 11.86 pounds of marijuana from 15 Carl Street. LEO also recovered a scale, plates with residue, and new/unused small plastic baggies. All of these substances were field tested yielding positive results for the presence of fentanyl, cocaine and marihuana, respectively. Based on training and experience, the quantity of the controlled substances seized was consistent with distribution. Additional narcotics packaging material was located in the kitchen of 15 Carl Street.

62. Following his arrest, Williams was transported to the RPSB where he was interviewed by a MCSO Deputy. Prior to the interview, which was recorded, Williams was advised of his *Miranda* rights, which he indicated he understood and subsequently waived. During the interview, Williams told the MCSO Deputy, in sum and substance, that each day he picked up a fanny pack filled with narcotics at 15 Carl Street and sold the narcotics at 12 Carl Street. Williams further stated that at one time he had a key to 15 Carl Street. Williams advised LEO, in sum and substance, that he gave proceeds from the sale of controlled substances to Michele Brock Gayden.

Evidence Seized at 200 Seneca Manor Drive (residence of John Gayden)

63. A search warrant was executed at 200 Seneca Manor Drive, where the John Gayden was encountered. As of November 1, 2022, this is where the defendant resided. Once the premises were secured a thorough search was conducted. In the kitchen, law

enforcement recovered one (1) Rossi, Amadeo Model 25 .22 caliber revolver bearing serial number 582259 loaded with six (6) rounds of ammunition and one (1) spent cartridge case; three (3) clear knotted sandwich bags containing suspected fentanyl; one (1) clear Ziploc style baggie containing suspected fentanyl; nineteen (19) brown wax envelopes containing suspected fentanyl; and twenty-one (21) green and white wax envelopes containing suspected fentanyl. A total of \$8,920 in United States currency was recovered from the premises.

Evidence Seized at 126 Baycliff Drive (including the Defendant Currency)

64. Law enforcement surveillance during the time period of June of 2022 to October of 2022 confirmed Michele Brock Gayden's use of 126 Baycliff Drive and 298 Ames Street as she was observed by LEOs leaving the above locations in the morning after overnight stays.

65. During a search of the 126 Baycliff Drive, certain evidence and property were recovered that establishes that Marisol Suarez, her minor child M.G., and Michele Brock Gayden stayed at 126 Baycliff Drive, Rochester, NY. The following evidence was recovered:

- a. In a hamper located in the basement: LEO recovered a red cardboard box containing \$33,544.00 US Currency; photos of Michele Gayden and a receipt in Michele Gayden's name; underneath the red cardboard box was a tan purse stuffed with \$10,811.00 US currency; and underneath the tan purse was a black plastic bag containing \$6,786.00 US currency;
- b. \$738.00 US currency from a tan purse behind the couch;
- c. \$550.00 US currency from a box of soap located under a mattress;
- d. New/unused plastic Ziploc bags (clear), two (2) check books in name of Marisol Suarez, and ESL paperwork for Marisol Suarez from a bag in the foyer;

- e. ESL credit union check book for Marisol Suarez from a bag in the foyer;
- f. Phone and tablet from bedroom #1 dresser;
- g. ESL credit union paperwork to M.G. (minor daughter of Marisol Suarez) and RSD paperwork to Marisol Suarez from dining room;
- h. Paperwork belonging to Marisol Suarez from dining room and pill bottle to Marisol Suarez in the kitchen;
- i. Paperwork and car rental receipts from bedroom #2 in black backpack;
- j. ESL credit union mail, Department of Labor, and title paperwork to Honda Accord in the name of Marisol Suarez from bedroom #2 dresser;
- k. Paperwork belonging to Marisol Suarez from kitchen tote;
- l. Prescription pill bottle belonging to Michele Brock from couch in living room;
- m. Paperwork belonging to Michele Gayden from a purse in living room;
- n. Keys and key chains from 126 Baycliff Drive;
- o. New York State Title to a 2011 Honda in name of Marisol Suarez: and
- p. Keys to Michell's Brock Gayden's red Ford Mustang located in the purse on the couch;

66. The breakdown of the seized currency in denominations is as follows:

<u>Denomination</u>	<u>Number of Bills</u>	<u>Value of Bills</u>
\$100	48	\$4,800.00
\$50	48	\$2,400.00
\$20	1,855	\$37,100.00
\$10	665	\$6,650.00
\$5	366	\$1,830.00
\$1	689	\$689.00

67. Based upon training and experience of the law enforcement officers involved, cash is the almost exclusive medium of exchange for controlled substances dealers. Further,

the abundance of twenty-dollar bills is significant because twenty-dollar bills are more commonly used than other denominations in street level controlled substances trafficking.

68. No indicia that any person named Michael Brock resided at 126 Baycliff Drive was found during the search by LEO.

69. Upon completion of the search of 126 Baycliff Drive, the blue 2011 Honda Accord bearing NY Registration KCH6884 was searched and \$870.00 in U.S. currency was found in the center console along with a small amount of marijuana, a digital scale and an ESL credit card issued to Marisol Suarez. The 2011 Honda Accord was transported to RPD's auto impound.

Interview of Angelique Suarez

70. During the search of 126 Baycliff Drive, Angelique Suarez of 298 Ames Street arrived at the residence to pick up M.G., her niece.³ Angelique Suarez was interviewed by LEO. Angelique Suarez advised LEO, in sum and substance, that she knew Michele Brock Gayden was staying with her sister [Marisol Suarez] at 126 Baycliff Drive, and that Michele Brock Gayden and Marisol Suarez were closer than Marisol and Angelique were, even though they are sisters. When asked about the currency found at 126 Baycliff Drive, Angelique Suarez told the LEO, in sum and substance, that Marisol "would not have that type of money." She further stated that Marisol lived with her two children on Baycliff and no one else (other than when Michele was staying with her).

³ M.G. was released to the custody of her grandmother.

INITIATION OF CIVIL JUDICIAL ACTION

71. On or about February 23, 2023, Michael Brock of 50 Saratoga Ave, Apt. C. Rochester, NY (Michele Brock Gayden's brother) submitted a claim to ATF to halt the administrative forfeiture proceedings against the defendant currency and requested referral for judicial forfeiture proceedings. No other claims were filed.

CONCLUSION AND REQUEST FOR RELIEF

72. Based on all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of the LEO involved, there is cause to believe that the defendant currency was furnished or was intended to be furnished in the furtherance of controlled substances distribution, is proceeds traceable to controlled substances distribution, and/or has otherwise been used to facilitate a violation of 21 U.S.C. § 841 et. seq., and the currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the plaintiff requests the following relief:

- (a) that an Arrest Warrant *in rem* be issued for the defendant currency;
- (b) that notice of this action be given to all persons known or thought to have an interest in or right against the defendant currency;
- (c) that judgment be entered declaring the defendant currency be forfeited and condemned to the United States of America for disposition in accordance with law; and
- (d) that the plaintiff be awarded its costs and disbursements in this action and for such other and further relief as this court deems proper and just.

DATED: May 24, 2023
Rochester, New York.

TRINI E. ROSS
United States Attorney
Western District of New York

Mary Clare Kane

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STATE OF NEW YORK)
COUNTY OF MONROE) ss.:
CITY OF ROCHESTER)

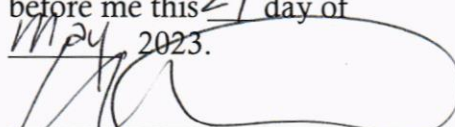
Andrew Farnham, Special Agent, being duly sworn, deposes and says:

I am a Special Agent (SA) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the New York Field Division, Rochester Field Office, and I am familiar with the facts and circumstances surrounding the seizure of \$51,23.00 United States Currency from 126 Baycliff Drive, Rochester New York on or around November 1, 2022. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief and based upon information furnished to me by officials of the Monroe County Heroin Task Force, the Greater Rochester Area Narcotics Enforcement Team (GRANET), and the Rochester Police Department with the assistance of multiple local, state, and federal agencies, and provided to the officials of the United States Attorney's Office.



Andrew Farnham
Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives (ATF)

Subscribed and sworn to
before me this 24 day of
May, 2023.


Notary Public